

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rule making related to family planning services

The Public Health Department hereby adopts new Chapter 75, “Family Planning Services Funding Prioritization, Restrictions and Reporting,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in 2019 Iowa Acts, chapter 85, section 98.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2019 Iowa Acts, chapter 85, section 98.

Purpose and Summary

This new chapter is adopted to implement the funding prioritization, restrictions and reporting requirements outlined in 2019 Iowa Acts, chapter 85, section 98, for family planning services under Title X.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 25, 2019, as **ARC 4672C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the State Board of Health on November 13, 2019.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the Department’s waiver and variance provisions contained in 641—Chapter 178.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on January 22, 2020.

The following rule-making action is adopted:

Adopt the following new 641—Chapter 75:

CHAPTER 75

FAMILY PLANNING SERVICES FUNDING PRIORITIZATION, RESTRICTIONS AND
REPORTING

641—75.1(88GA,ch85) Program explanation. The Iowa department of public health is a designated agency to operate the family planning program pursuant to an agreement with the federal government. Congress authorized grants to assist in the establishment and operation of family planning projects which offer a broad range of acceptable and effective family planning methods, including natural family planning, infertility services and services to adolescents. The majority of the funding available is from the Title X, family planning services grant, administered by the United States Department of Health and Human Services (DHHS).

The purpose of the program is to promote the health of persons of reproductive age and families by providing access to family planning and reproductive health promotion services.

The department, bureau of family health, will annually apply to the DHHS for grant funding under Title X of the federal Public Health Services Act, 42 U.S.C. §300 et seq. The department, bureau of family health, enters into contracts according to these rules with selected private and public agencies within the department family planning service area for the provision of family planning services. A description of the department family planning service area can be obtained from the Chief, Bureau of Family Health, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075.

641—75.2(88GA,ch85) Definitions.

“*Department*” means the Iowa department of public health.

“*Nonprofit health care delivery system*” means an Iowa nonprofit corporation that controls, directly or indirectly, a regional health care network consisting of hospital facilities and various ambulatory and clinic locations that provide a range of primary, secondary, and tertiary inpatient, outpatient, and physician services.

641—75.3(88GA,ch85) Distribution of grant funds. Distribution of grant funds utilizing the following prioritization shall be made in a manner that continues access to family planning services.

75.3(1) Priority. The department shall distribute all grant funds received to applicants in the following order of priority:

a. Public entities that provide family planning services including state, county, or local community health clinics; federally qualified health centers; and community action organizations.

b. Nonpublic entities that, in addition to family planning services, provide required primary health services as described in 42 U.S.C. §254b(b)(1)(A).

c. Nonpublic entities that provide family planning services but do not provide required primary health services as described in 42 U.S.C. §254b(b)(1)(A).

75.3(2) Funds restrictions—abortion.

a. Funds shall not be distributed to any entity that performs abortions, promotes abortions, maintains or operates a facility where abortions are performed or promoted, contracts or subcontracts with an entity that performs or promotes abortions, becomes or continues to be an affiliate of any entity that performs or promotes abortions, or regularly makes referrals to an entity that performs or promotes abortions or maintains or operates a facility where abortions are performed.

b. This prohibition shall not be interpreted to include a nonpublic entity that is a distinct location of a nonprofit health care delivery system, if the distinct location provides family planning services but does not perform abortions or maintain or operate as a facility where abortions are performed.

c. For the purposes of these rules, “abortion” does not include any of the following:

(1) The treatment of a woman for a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death.

(2) The treatment of a woman for a spontaneous abortion, commonly known as miscarriage, when not all of the products of human conception are expelled.

75.3(3) *Distinct provider identification number and attestation.*

a. Each distinct location of a nonprofit health care delivery system receiving funds from the department under these rules shall be assigned a unique identification number by the department.

b. Each distinct location of a nonprofit health care delivery system receiving funds from the department under these rules shall provide to the department, on forms provided by the department, a signed attestation that abortions are not performed at the distinct location.

641—75.4(88GA,ch85) Indirect funds restrictions—abortion. Grant funds shall not be used for direct or indirect costs, including but not limited to administrative costs or expenses, overhead, employee salaries, rent, and telephone or other utility costs, related to performing or promoting abortions as specified in these rules.

641—75.5(88GA,ch85) Report requirement.

75.5(1) The department shall submit a report, by calendar year, to the governor and the general assembly annually by January 1.

75.5(2) The report shall include:

a. A list of each entity that received funds under 75.3(1) “c” and the amount and type of funds received.

b. A detailed explanation of how the department determined that the distribution of funds to each entity under 75.3(1) “c,” instead of an entity under 75.3(1) “a” or “b,” was necessary to prevent severe limitations or elimination of access to family planning services in the region of the state where the entity was located.

These rules are intended to implement 2019 Iowa Acts, chapter 85, section 98.

[Filed 11/14/19, effective 1/22/20]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 12/18/19.